

**MINUTES OF MEETING**  
**DAGSBORO TOWN COUNCIL**  
**BETHEL CENTER – 28307 CLAYTON STREET**  
**MONDAY – MARCH 25, 2013**

The meeting of the Town Council was called to order by Patti Adams, Mayor. Those in attendance in addition to Mayor Adams were Stacey Long, Town Administrator; Rob Witsil, Town Attorney; Vice Mayor Truitt, Councilman Connor, and Councilwoman Flowers, and others listed on sign in sheet.

Planning & Zoning Report: No March Planning & Zoning Meeting

New Business:

1. Consideration of trading water for pest control services with Brasure's Pest Control Chris Brasure gave the council members packets of information for his proposal of exchanging water for service. It would only be a single truck with a tank holding 150 gallons, filling once a day during peak season and once a week in the Spring and Fall. They will be just topping off since the truck is full at the beginning of the day and will just be topped off late in the day as needed. The truck is not metered but it does have a gauge showing the water level. Attorney Witsil asked about the cost of a 3 inch hydrant meter and Stacey told him that the town had a quote of \$865 for a fire hydrant meter. The code being vague 270.13 regarding sale of water for pools etc. There are two concerns. One, we need a method to meter and deliver water and would Brasure's be willing to share the cost and would he then in turn sell this water to someone else. Policy would need to be set concerning the price per gallon so we would have this info in place should the town be approached by other businesses. Councilwoman Flowers felt that the accounting of actual water was of the utmost importance and until a meter is purchased, the town will have to say no to this proposal. The Mayor and other members felt now was not a good time considering the cost of the meter. The Mayor thanked Mr. Brasure for coming and restated that should the town purchase a meter the proposal would be revisited at that time.
2. Consideration of request from Dagsboro Church of God to continue holding the outdoor/indoor sales as requested last year Sr. Pastor Kim Tephach, of the Dagsboro Church of God, asked the town to continue the indoor/outdoor yard sales in 2013 from April to October. The church was unaware of any negatives reported as far as neighbors and traffic issues with the sales in 2012. The council also had received no negative feedback from last year's sales and agreed to allow it again this year with the same guidelines in place. Motion made by Councilman Connor and seconded by Councilwoman Flowers to permit the sales as outlined last year. All in favor. Motion carried.

3. Consideration of extension request for General's Green Development Kenneth Simpler, presented the town with their request for a 3 year extension for the permitting of the General's Green project due to the economic situation. The preliminary plan extension was given last July. Mr. Simpler said the county gave all developers a 36 month extension. The sunset provision 275-40 a-b was referred to. The council had reservations with the delay and asked the developer to show evidence where they are continuing toward approval with letters from DelDOT and the Soil Conservation District in order to grant the extension. The Mayor was not in favor of an extension of 3 years and Vice-Mayor Truitt added that substantial effort and progress must be shown before the town would consider this appeal from the applicant. The developer would need to reappear before the council by the expiration date of July 26, 2013. Kyle stated that the plans have been reviewed twice within the past year with only minor issues, outstanding and approval with DelDOT and Soil Conservation being the major issues. After much discussion by council a motion was made by Councilman Truitt and seconded by Councilman Connor to refer to P & Z the matter of the review of section 275-40b sunset provisions as per the recommendation of Attorney Witsil. All in favor. Motion carried.
4. Consideration of final extension request for demolition of house at 28359 Dagsboro Road We received a letter from the owners requesting an extension as they feel the demolition can be accomplished before April 30, 2013. Stacey supplied background info 3/11 original extension for delay in hooking into water system issued as house was going to be sold and moved. December 2011 after sale did not happen original permit for demolition was issued, permit expired December 2012. Attorney stated that since the permit has expired, the town should issue a new permit with waiver of the fee with the condition that the house be demolished before a specific date. Motion made by Councilman Connor and seconded by Councilman Truitt to grant new permit for 3 months without additional fee. All in favor. Motion carried.
5. Review and possible consideration of proposed Cable TV franchise agreement Attorney Witsil stated that current agreement has been extended so that some issues could be cleared up. The problem of insurance coverage was missing and it is being added to this agreement. The current contract is 15 years and other local municipalities are negotiating shorter terms. The rate is 5% and that seems to like all other towns in the area. If all utilities go underground then we would want the cable service to go underground also. Attorney Witsil will be in contact with Mediacom to finalize the agreement.
6. Consideration of amending water specifications to add meter specifications for any commercial use requiring a 2-inch meter or larger The current specifications for meters 2 inches or larger is a dual body compound meter. At the interconnect location there is an 8 inch OCTAVE meter that measures down to 1/12 of a gallon per minute. OCTAVE meters are more accurate and easier for billing purposes. Prices are reasonable and owners would be responsible for meter purchase with any new hookup and bodies are made of stainless steel to prevent rusting. 2 inch is \$2595/ 3 inch \$3235/ 4 inch \$3758/ and dual compounds are comparable in price but without as much accuracy and ease of use. Motion made by Councilman Connor and seconded by Vice-Mayor Truitt to amend water specs that properties

utilizing a meter 2 inches or larger use OCTAVE meters rather than Dual Body meters. All in favor. Motion carried.

7. Consideration of upgrading existing utility bill software from WBAR 6 TO WBAR 7 WBAR6 is DOS based program and the supplier is upgrading their software and will be phasing out tech support. WBAR6 would not be compatible with a new computer. We would receive a \$300 discount off the price of \$1495 to \$1195 it has more functions only 5 of which can be done by WBAR6. Current program was implemented for utility billing in 2010. We can receive the purchase discount until 6/1/13. Motion made by Vice-Mayor Truitt and seconded by Councilwoman Flowers to upgrade to WBAR7. All in favor. Motion carried.
8. Consideration of accepting grass cutting contract with Sussex Community Correction Center for the 2013 grass cutting season Due to the Easter Sunrise service, the grass at Prince Georges Chapel and Cemetery has already had the initial cut. The town has put out bids before and no one comes close the price that Sussex Community Corrections charge. There is one bid for the town and one bid for Prince Georges Cemetery. Motion made by Vice-Mayor Truitt and seconded by Councilwoman Flowers to accept the Memorandum of Understanding with Sussex Community Correction for the Town of Dagsboro bi-weekly. All in favor. Motion carried. Motion made by Councilman Connor and seconded by Councilwoman Flowers to accept the Memorandum of Understanding with Sussex Community Corrections for Prince George's Chapel and Cemetery weekly. All in favor. Motion carried. Attorney Witsil found discrepancy on second page of contract and Stacey will send amended page to DOC.

Old Business: None

Approval of Minutes: Motion by Councilman Connor and seconded by Vice-Mayor Truitt to accept minutes of January 28, 2013. All in favor. Motion carried.

Reports:

Treasurer's: Stacey reported balances as of March 20, 2013 for the following: General Fund \$3,902.05, Public Service Impact \$11,664.56, Property Transfer \$29,451.87, CD's \$47,818.06, \$96,736.25, \$5,091.38 MSA Checking and Savings \$4,809.72, PGC checking \$663.33, savings \$5,359.80, and 3 CD's of \$32,693.51, \$44,672.84 and \$31,721.74 Salle \$6,883.36, and Water checking \$44,800.51, Impact fees \$169,031.93 and Reserve \$34,634.02 Check detail for all funds was also provided. Motion made by Vice Mayor Truitt and seconded by Councilwoman Flowers to accept the Treasurer's Report. All in favor. Motion carried. Year to Date Budget Analysis. Reviews of Funds beginning with Water \$14,2340 non restricted revenue \$231,315 budgeted \$88,975 under income with 3 months to go \$75,000 budgeted \$30,966 received, impact fee \$44,034 short. The economy has not been favorable toward construction and new home hookups. Total expenses YTD \$12,962 Distribution \$56,102 Debt service and reserve \$69,601 annual system cost \$138,665 YTD \$231,519 we are under budget \$92,854. We are currently at an unaccounted water use rate of 16% which is excellent. General \$392,947 YTD received with \$509,387 budgeted, which leaves us \$116,439 short at this time \$20,000 deficit currently with time to go 3 months property taxes \$15,000 still due grant money for police and transfer left to

do from last year's budget expenses. \$92,224 under budgeted income, \$412,864 was budgeted and we received \$392,947 which leaves a \$19,917 deficit.

**Police Department:** Sgt. Litten presented the Statistical Report for review of January and February. Increase in Traffic citations due to evaluation of new officers and more time on patrol by Sgt. Litten after handling administrative affairs. Camera reimbursement has been received and the transportation reimbursements for David are forthcoming.

Consideration of purchasing Lidar Speed Gun. A Lidar unit has been received and is on trial use by the department and results are promising. Dave and JC are both certified with the equipment and Sgt Litten will be certified in the next week. The unit is a compact one and is \$600 less than the unit originally quoted at last month's meeting at \$2500.

Consideration of hiring 1-2 part time police officers. A part time officer would be on call to cover time off, vacation, etc. and provide a more continued presence in the Town primarily in over night hours. Dave is out now as his wife just delivered their new born baby prematurely. We are not sure at this point how long he will be out, but might be in the range of about 6 weeks. Sgt. Litten has some one already in mind should the council decide to give approval working 20-30 weekly at \$15 per hour. Primary concern by Council was how to pay for the new officer but the revenue generated by him should be more than adequate or breakeven to say the least. There would be no contract and could be terminated at any time and only other expense is a gun and uniform but there are other extras on the administrative side of the equation. The Town Administration feels that right now the best move would be to purchase the Lidar. Councilwoman Flowers felt that community safety is the primary issue. Motion made by Councilman Connor and seconded by Vice Mayor Truitt to purchase compact Lidar unit out of Public Service Impact Fee account. All in favor. Motion carried. With the Summer season approaching and with David out for a time it is a good to bring on an additional officer. There were so many things that the council was not made aware of before the Town approved the k9 program on the expense side. There was also suggestion to increase Property Taxes, as we currently have a very low tax rate. It was mentioned by Councilwoman Flowers to take \$20,000.00 in funds from a CD and transfer to the Payroll account to cover the officer and existing payroll shortfalls.

Motion made by Vice Mayor Truitt and seconded by Councilwoman Flowers to withdraw \$20,000.00 from a CD and hire a part time officer for 20 hours a week at \$15.00 per hour. Vice Mayor Truitt, Councilwoman Flowers and Councilman Connor were in favor, Mayor Adams opposed. Motion carried.

#### **Administrator**

**Code Enforcement:** Legal update on complaint against Zachary King of 33225 Main Street for property maintenance and repairs. Attorney Witsil stated that the Town had made definite progress with the issue, as an onsite, in home inspection had been done and we are waiting for the determination by URS representative. After which, Mr. King will begin compliance of such document, whether it be continued improvements, interior and exterior, or condemnation.

**Building Official** On January 30, 2013, Stacey met with Brian and Cheryl Marshal regarding the possibility of using the Berger Property, in front of John M. Clayton elementary school, for an afterschool facility, since only 5% of the property is with town jurisdiction and even with the possible annexation into Town it was not a permitted use. Stacey informed them that they would have to go through the County since the structure is within the county's jurisdiction.

Streetscape Phase 2 the DelDOT traffic division crews have fixed the problem with the crosswalk at the bottom of the hill at the intersection of Main and Vines Creek Roads. Delmarva Power has finished the installation of the new lights and they are working great.

Our insurance policy for the Town will renew on April 10<sup>th</sup>, our representative is providing us with new rates schedules, Selective is also including an 8 percent credit to help offset some of the increase to the town. All types of insurance have increased in 2013 and Delaware Workman's Compensation Insurance, increased significantly. Stacey recommended to stay with Selective, as they have the best rates around and we have been with them for over 10 years. The premium for Selective's Workman's Comp is \$11,900, Travelers is \$15,000 a \$3000 savings. Our deductible for property would be \$5000 as Selective is less here as well.

3 permits have been issued, one for a single family dwelling in Prince George's Acres, a sign permit for the Super Clean property, and a deck permit on Piney Neck Rd. LBG Homes is a new business in town and is located in the Super Clean property. This is a construction office for new home sales. They will be holding an Open House on the 6<sup>th</sup> and 7<sup>th</sup> of April, with various vendors in the Parking Lot, they will be giving away a 55" Plasma TV. Cake and tea maybe popcorn will be given away. The hours will be 9 to 3, and there is nothing in the Code prohibiting a 1 time event.

**Prince George's Cemetery** Patti reported that the large gate of Ward Lane was damaged due the last storm we had and Bob is going to do the repair. The cemetery meeting is in May but not sure of the date, she will tell us at the April meeting.

**Water Distribution System** Letters have been sent to Woodlands of Pepper Creek and Chapel Crossing informing them of the requirements for the QUICKCONNECTS on their hydrants. Woodlands has completed in the installation and is in compliance, Chapel Crossing has not done so and a follow up letter will be sent to them, they also have not connected to the water or demolished the house that is on the property as they were to have done. The letter will address all these items. Letter sent to Steve Doyle informing him that the Town had returned 3 EDU's to him from Wang's Kitchen. Mr. Banana's Bar and Lounge, all documents and plans have been submitted to URS, and we are waiting for fit out review. Councilwoman Flowers asked about delinquencies of water accounts, most pay once cut off letter is sent. There is one however, that Stacey is getting information together on and will need to be addressed in the near future.

**Correspondence** A Letter was received from Delmarva Power regarding upgrades being done in our area starting March 18<sup>th</sup> on Clayton, Main and Vines Creek Rd. A Thank you card was received from

Rae, for opportunity to work for the Town. A Letter from State of Delaware was received with regards to the Smoking Ban.

Adjournment: Motion made by Councilman Connor and seconded by Councilwoman Flowers to adjourn. All in favor. Motion carried. Meeting adjourned at 10:10 p.m.

Respectfully Submitted,

Duane R. Kenton

Town Clerk